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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,746	11/02/2001	Amab Das	14-18	3832

7590                    05/05/2004

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/002,746	DAS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	THUAN T. NGUYEN	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 4-15 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Remark***

1. Claims 2-3 were canceled in the amendment dated 2/2/04.

### ***Claim Rejections - 35 USC 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1, and 4-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (U.S. Patent No. 6,067,458).

Regarding claim 1, Chen discloses a method for transmitting channel quality information in a wireless communication system with at least a base station and at least a mobile station (Fig. 2), the method comprising varying a rate for reporting channel quality information from a mobile station to a base station as a function of the presence or absence of a reception of a transmission at the mobile station (see col. 6/lines 10-48 for varying rate information exchange between mobile station and base station, in idle time or absence of a reception of a data transmission at the mobile station, rate is communicated at the eighth rate, and higher rate is used when voice or data communicating between these two components; and col. 13/lines 48-65 as mobile station communicates to base station & col. 14/lines 32-42 for channel quality monitoring and control). Chen further discloses the mobile station reports channel quality information at an idle rate (or the eighth rate) and either at a first rate set and a second

rate set in the absence and in the presence of a transmission from the base station, respectively, and upon the detection of the absence and presence of the transmission from the base station (col. 6/lines 18-48; and col. 13/lines 20-65, see Examiner's discussion in the Conclusion afterward).

As for claim 4, in view of claim 1, Chen discloses a plurality of rates over a prescribed time period after the detection of reception of a data transmission, particularly, ranging from a first rate set for transmitting speech data up to a second rate set of 64 kbps for exchanging voice and other data (col. 6/lines 29-48 & col. 13/lines 48-51).

As for claim 5, in view of claim 4, Chen discloses a plurality of rates can be transmitted or reported at different ones of the plurality of rates on a reverse link from the mobile station to the base station during different ones of the plurality of time intervals (Figs. 1A- F shows an example within one time interval of 20ms, and col. 2/line 53 to col. 3/line 3).

As for claim 6, in view of claim 1, Chen further discloses that the second rate is faster than the first rate, i.e., the second rate either at the first rate set or at the second rate set is faster than the first rate at idle time (or at the eighth rate, see col. 6/lines 18-48).

As for claim 7, in view of claim 1, Chen further discloses that the base station determines the channel quality collected from the mobile station for deriving a transmission format for a next transmission (col. 13/line 55 to col. 14/line 20).

As for claim 8, in further view of claim 7, Chen further includes within the transmission format one or more parameters selected from the group consisting of

modulation format, number of codes, and transmission rate (col. 12/line 22 to col. 13/line 40).

As for claim 9, in view of claim 6, Chen further addresses the calculation an amount of redundancy needed for a retransmission of a previous transmission by using a routine 300 in recalculating the necessary step whether to use the previous transmission or not (Fig. 7, and col. 11/lines 40-63 & col. 13/lines 20-33 for recalled or previously stored power transmission control setting).

As for claim 10, in view of claim 1, Chen further discloses wherein the channel quality information comprises a transmission rate calculated by the mobile station based on one or more channel conditions (col. 12/line 63 to col. 13/line 47 for more additional conditions can be collected by the base stations).

As for claims 11-15, these claims for same limitations are rejected for the reasons given in the scope of claims 1-10 as already disclosed above.

#### ***Response to Arguments***

4. Applicant's arguments filed on 2/02/04 have been fully considered but they are not persuasive.

Applicants mainly concerns and argues that Chen does not teach or suggest the step of varying the rate for reporting channel quality information from a mobile station to a base station as a function of the absence or detection of a data transmission the base station, which in fact, Chen does disclose this feature. On column 13, lines 20-65, Chen teaches that, for instance, at step 360, as the mobile station can estimate and then test the proper power level necessary before sending data at high rates (col. 13/lines 55-65). Before this step or this suggestion, it suggests that the mobile station has its own capability in detecting the idle status or not from the

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base station because "the reverse link" can be detected whether at "idle" or not (col. 13/lines 33-40), and to any one of ordinary skill in the art, "the reverse link" refers to the communication link or signal transmitting from the mobile station to the base station, whereas "the forward link" means the reverse process. Chen tends to lean much for details on the base station side for power level control in most parts of the reference because the base station is the controller in the wireless communication systems, but it does not mean the mobile station does not have its own capability in detecting the status of the base station in order to request or adjust to the appropriate power levels necessary whether to send data or channel quality reports back to the base station at a low rate or at a high rate (as already discussed in the Office Action).

Therefore, the Examiner disagrees with the Applicants' arguments and stands with the disclosure and teaching of Chen as disclosed and discussed in this Final Office Action.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,*

*2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



TONY T. NGUYEN  
PATENT EXAMINER, FS&

Tony T. Nguyen  
Art Unit 2685  
April 30, 2004